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OAKLAND POLICE DEPARTMENT, CHIEF
7 WAYNE TUCKER, and OFFICER RAMON ALCANTAR

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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 MIGUEL ORTEGA, BENJAMIN ORTEGA, A
13 Minor, By and through his Guardian Ad
Litem, ANA ROSA ORTEGA,

14 Plaintiffs,

15 v.

16 CITY OF OAKLAND, OAKLAND POLICE
17 DEPARTMENT, WAYNE TUCKER, In His
Capacity as the Police Chief of the City of
18 Oakland, RAMON J. ALCANTAR,
Individually and in his capacity as a Police
19 Officer for the City of Oakland, DOES 1
THROUGH 200,

20 Defendants.
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Case No. C07-02659 JCS

**DEFENDANT'S INTERROGATORIES
TO PLAINTIFF MIGUEL ORTEGA,
SET NO. 1**

The Honorable Joseph C. Spero

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23 **PROPOUNDING PARTY: Defendant CITY OF OAKLAND**

24 **RESPONDING PARTY: Plaintiff, MIGUEL ORTEGA**

25 **SET NUMBER: ONE**

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1 THE CITY OF OAKLAND hereby requests, pursuant to Rule 33 of the
2 Federal Rules of Civil Procedure, that **MIGUEL ORTEGA** (hereinafter "Plaintiff") answer
3 the following interrogatories separately and fully in writing and under oath within thirty (30)
4 days from the service hereof.

5 In answering these interrogatories, furnish all information available to
6 Plaintiff and his attorney of record, including information in the possession of any person
7 acting on Plaintiff's behalf and not merely such information known of Plaintiff's own
8 knowledge. If Plaintiff cannot answer these interrogatories in full after exercising due
9 diligence to secure the information, please so state, and answer to the extent possible,
10 specifying the inability to answer the remainder and stating whatever information or
11 knowledge Plaintiff has concerning the unanswered portions. Plaintiff is requested to
12 supplement the responses to these interrogatories as necessary.

13 As used herein, the following terms and instructions apply:

14 1. "Person" includes a natural person, corporation, firm, organization,
15 partnership, sole proprietorship, union, association, business, trust, public entity,
16 federation or any other kind of entity.

17 2. "You or anyone acting on your behalf" includes you, your agents, your
18 attorneys, your investigators or anyone working on your behalf.

19 3. In each interrogatory wherein the phrase "... state all facts that
20 support or tend to support. . ." is employed, it shall mean that Plaintiff is requested to
21 fully and complete set forth, "describe" and "identify" each and every act, occurrence,
22 omission, "conversation", "document" and/or "written statement" which responding party
23 claims or contends constitutes the fact and/or facts in support of the claim, contention or
24 allegation referred to.

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1 **INTERROGATORY NO. 1:**

2 State all facts that support or tend to support your contention that Officer
3 Alcantar used excessive force against you on May 7, 2006.

4 **INTERROGATORY NO. 2:**

5 State all facts that support or tend to support your contention that any other
6 Oakland police officer used excessive force against you on May 7, 2006.

7 **INTERROGATORY NO. 3:**

8 State all facts that support or tend to support your contention that Officer
9 Alcantar performed an unreasonable search of you on May 7, 2006.

10 **INTERROGATORY NO. 4:**

11 State all facts that support or tend to support your contention that any other
12 Oakland police officer performed an unreasonable search of you on May 7, 2006.

13 **INTERROGATORY NO. 5:**

14 State all facts that support or tend to support your contention that Officer
15 Alcantar performed an unreasonable seizure of you on May 7, 2006.

16 **INTERROGATORY NO. 6:**

17 State all facts that support or tend to support your contention that any other
18 Oakland police officer performed an unreasonable seizure of you on May 7, 2006.

19 **INTERROGATORY NO. 7:**

20 State all facts that support or tend to support your contention that Officer
21 Alcantar violated your right to freedom of expression on May 7, 2006.

22 **INTERROGATORY NO. 8:**

23 State all facts that support or tend to support your contention that any other
24 Oakland police officer violated your right to freedom of expression on May 7, 2006.

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1 **INTERROGATORY NO. 9:**

2 State all facts that support or tend to support your contention that Officer
3 Alcantar violated your right to privacy on May 7, 2006.

4 **INTERROGATORY NO. 10:**

5 State all facts that support or tend to support your contention that any other
6 Oakland police officer violated your right to privacy on May 7, 2006.

7 **INTERROGATORY NO. 11:**

8 State all facts that support or tend to support your contention that Officer
9 Alcantar committed battery on you on May 7, 2006.

10 **INTERROGATORY NO. 12:**

11 State all facts that support or tend to support your contention that any other
12 Oakland police officer committed battery on you on May 7, 2006.

13 **INTERROGATORY NO. 13:**

14 State all facts that support or tend to support your contention that Officer
15 Alcantar committed assault on you on May 7, 2006.

16 **INTERROGATORY NO. 14:**

17 State all facts that support or tend to support your contention that any other
18 Oakland police officer committed assault on you on May 7, 2006.

19 **INTERROGATORY NO. 15:**

20 State all facts that support or tend to support your contention that you
21 suffered emotional distress as a result of the incident on May 7, 2006.

22 **INTERROGATORY NO. 16:**

23 State all facts that support or tend to support your contention that Officer
24 Alcantar's actions against you on May 7, 2006 were motivated by your race.

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1 **INTERROGATORY NO. 17:**

2 State all facts that support or tend to support your contention that the actions
3 of any other Oakland police officer on May 7, 2006 were motivated by your race.

4 **INTERROGATORY NO. 18:**

5 State all facts that support or tend to support your contention that any
6 member of the Oakland Police Department approved, ratified, condoned, encouraged, or
7 tacitly authorized any pattern or practice of misconduct by Officer Alcantar.

8 **INTERROGATORY NO. 19:**

9 State all facts that support or tend to support your contention that any
10 member of the Oakland Police Department approved, ratified, condoned, encouraged, or
11 tacitly authorized any pattern or practice of misconduct by any other officer of the Oakland
12 Police Department.

13 **INTERROGATORY NO. 20:**

14 State all facts that support or tend to support your contention that certain
15 employees of the City of Oakland have a policy or custom of encouraging abuse of police
16 authority.

17 **INTERROGATORY NO. 21:**

18 State all facts that support or tend to support your contention that certain
19 employees of the City of Oakland have a policy or custom of encouraging abuse of
20 constitutional rights of citizens.

21 **INTERROGATORY NO. 22:**

22 State all facts that support or tend to support your contention that Officer
23 Alcantar was negligent on May 7, 2006.

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1 **INTERROGATORY NO. 23:**

2 State all facts that support or tend to support your contention that that any
3 other Oakland police officer was negligent on May 7, 2006.

4 **INTERROGATORY NO. 24:**

5 State all facts that support or tend to support your contention that the City of
6 Oakland or any member of the Oakland Police Department negligently hired, retained,
7 trained, supervised, or disciplined any Oakland Police officers, including Officer Alcantar.

8 **INTERROGATORY NO. 25:**

9 State and describe all mental and emotional distress injuries you suffered as
10 a result of the incident on May 7, 2006.

11 DATED: OCTOBER 16, 2007

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14 JOHN A. RUSSO, City Attorney
15 RANDOLPH W. HALL, Assistant City Attorney
16 JAMES F. HODGKINS, Supervising Trial Attorney
17 CHARLES E. VOSE, Senior Deputy City Attorney

18 By: 

19 Attorneys for Defendants
20 CITY OF OAKLAND, OAKLAND POLICE DEPARTMENT,
21 CHIEF WAYNE TUCKER, and OFFICER RAMON
22 ALCANTAR
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PROOF OF SERVICE

ORTEGA, ET AL., v. CITY OF OAKLAND, ET AL.,

United States District Court Case No. C07-02659 JCS

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is City Hall, One Frank Ogawa Plaza, 6th Fl., Oakland, CA 94612. On the date set forth below I served the within documents:

**DEFENDANTS' INTERROGATORIES TO PLAINTIFF MIGUEL ORTEGA,
SET NO. 1**

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California addressed as set forth.

by causing personal delivery by (name) of the document(s) listed above to the person(s) at the address(es) set forth below.

by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

by causing such envelope to be sent by Federal Express/ Express Mail.

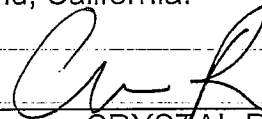
STEVEN R. JACOBSEN, ESQ.
CATHERINE R. DOUAT, ESQ.
LAW OFFICES OF STEVEN JACOBSEN
901 CLAY STREET
OAKLAND, CA 94607

TELEPHONE: (510) 465-1500
FACSIMILE: (510) 465-1501

I am readily familiar with the City of Oakland's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the United States of American/State of California that the above is true and correct.

Executed on OCTOBER 16, 2007, at Oakland, California.



CRYSTAL ROZA